



## MEMORANDUM

Not On  
Agenda Item No. 8(Q)(1)(B)

TO: Honorable Chairperson Barbara Carey-Shuler Ed.D.  
and Members, Board of County Commissioners

DATE: January 20, 2004

SUBJECT: Resolution Authorizing  
Interlocal Agreement with  
the Century Gardens  
Community Development  
District

FROM: George M. Burgess  
County Manager

### RECOMMENDATION

It is recommended that the Board authorize the execution of the attached interlocal agreement between the Century Gardens Community Development District and Miami-Dade County to allow the Century Gardens Community Development District to utilize the uniform method for the levy, collection, and enforcement of non-ad valorem assessments as prescribed in Section 197.3632, Florida Statutes.

### BACKGROUND

The Century Gardens Community Development District will charge separate non-ad valorem assessments for debt reduction. This interlocal agreement between the Century Gardens Community Development District and Miami-Dade County affords the District the convenience and financial savings of utilizing the TRIM notice. Pursuant to this agreement the non-ad valorem assessments will be included on the combined tax bill. The term of this agreement commences fiscal year October 1, 2004 and continues until cancelled by either party.

In accordance with Sections 192.091(2)(b) and 197.3632, Florida Statutes, and the interlocal agreement, the Century Gardens Community Development District is responsible for all costs incurred by Miami-Dade County as pertains to their non-ad valorem assessments.

Alex Munoz  
Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**DATE:** January 20, 2004

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Not On  
Agenda Item No. 8(Q)(1)(B)

Please note any items checked.

- ☒ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Not On

Agenda Item No. 8(Q)(1)(B)  
1-20-04

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING EXECUTION OF THE  
INTERLOCAL AGREEMENT BETWEEN THE  
CENTURY GARDENS COMMUNITY DEVELOPMENT  
DISTRICT AND MIAMI-DADE COUNTY TO  
PROVIDE SERVICES TO THE CENTURY GARDENS  
COMMUNITY DEVELOPMENT DISTRICT  
ACCORDING TO SECTION 197.3632, FLORIDA  
STATUTES, UNIFORM METHOD FOR THE LEVY,  
COLLECTION AND ENFORCEMENT OF NON-AD  
VALOREM ASSESSMENTS

**WHEREAS**, this Board desires to accomplish the purposes outlined in the  
accompanying memorandum, a copy of which is incorporated herein by reference ,

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY  
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that in accordance  
with Sections 197.3631 and 197.3632, Florida Statutes, this Board hereby authorizes the  
County Manager to execute the attached interlocal agreement between the Century  
Gardens Community Development District and Miami-Dade County.

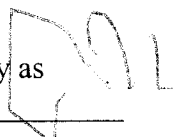
The foregoing resolution was offered by Commissioner \_\_\_\_\_, who  
moved its adoption. The motion was seconded by Commissioner  
and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrian D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as  
to form and legal sufficiency. 

James K. Kracht

By: \_\_\_\_\_  
Deputy Clerk

**INTERGOVERNMENTAL COOPERATION AGREEMENT  
BY AND AMONG  
MIAMI-DADE COUNTY  
AND  
CENTURY GARDENS COMMUNITY DEVELOPMENT DISTRICT**

**THIS INTERGOVERNMENTAL COOPERATION AGREEMENT** (the "Agreement") is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2003, by and among Miami-Dade County (hereinafter referred to as "County"), Florida, and the Century Gardens Community Development District (hereinafter referred to as "CGCDD"), Miami-Dade County, Florida.

**WITNESSETH**

**WHEREAS**, the CGCDD intends to adopt non-ad valorem assessments for services and facilities annually; and

**WHEREAS**, the CGCDD, the Tax Collector and the Property Appraiser is willing to enter into a written agreement evidencing the Tax Collector and the Property Appraiser's agreement to place the CGCDD's proposed non-ad valorem assessments on the tax bill; and

**WHEREAS**, the CGCDD intends to utilize the uniform method of collection, as outlined in Section 197.3632, Florida Statutes, as amended for non-ad valorem assessments; and

**WHEREAS**, the CGCDD has requested that the property appraiser include the CGCDD's proposed or adopted non-ad valorem assessments for Century Gardens Community Development District in the notice as specified in Section 200.069, Florida Statutes, as amended.

**NOW, THEREFORE**, for good and valuable consideration, and intending to be legally bound hereby, the County and the CGCDD Agree as follows:

1. The CGCDD's request to place its proposed non-ad valorem assessments for Century Gardens Community Development District on the Notice of Proposed Property Taxes and Proposed or Adopted Non-Ad Valorem Assessments prepared in accordance with Section 200.069, Florida Statutes (2002), as amended, is granted.
2. The CGCDD's request to place its adopted non-ad valorem assessments for Century Gardens Community Development District on the Notice of Ad Valorem Taxes and Non-Ad Valorem Assessments in accordance with Section 197.3635, Florida Statutes (2002), as amended, is granted.
3. **County Agrees.** The County shall place the CGCDD's non-ad valorem special assessments for Century Gardens Community Development District on the Notice of Proposed Property Taxes and Proposed or Adopted Non-Ad Valorem Assessments, as specified in Section 200.069, Florida Statutes, as amended, commonly referred to as the "Trim" notice.
4. **County Agrees.** The County shall place the CGCDD's non-ad valorem special assessments for Century Gardens Community Development District on the tax notice as provided in Section 197.3635, Florida Statutes (2002), as amended, commonly referred to as the "tax bill."
5. **CGCDD Agrees.** The CGCDD agrees that the County shall be entitled to retain the actual costs of collection, or 2 percent, on the amount of special assessments collected and remitted.
6. **Duration of this Agreement.** This Agreement shall take effect upon signing and shall extend to the collection of special assessments for each fiscal year commencing October 1, 2004 until cancelled by either party pursuant to paragraph 10 herein.

7. **Severability of the Provisions in this Agreement.** The provisions of this Agreement are intended to be severable. If any provision of this Agreement shall be held to be invalid or unenforceable in whole or in part, such provision shall be ineffective to the extent of such invalidity or unenforceability without in any manner affecting the validity or enforceability of the remaining provisions of this Agreement.
8. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.
9. **Amendments or Modifications of this Agreement.** It is anticipated by the parties that the terms and conditions of this Agreement will be periodically amended or modified. Such amendments or modifications must be in writing and must be duly executed by all parties to this Agreement.
10. **Cancellation.** This Agreement may be cancelled by either party upon (30) days written notice to the other party.
11. **Binding Effect.** This Agreement shall be binding upon and enforceable against any successors of each respective party, including but not limited to, successive CGCDD Managers, County Managers, CGCDD Supervisors, and the Board of County Commissioners.
12. **Intent to be Legally Bound.** By signing this Agreement, the parties hereto confirm and state that they have carefully read the Agreement, that they know the contents thereof, that they fully expect to carry out each and every provision, and that they intend to be legally bound by the rights and obligations set forth herein.
13. **Headings.** The headings for each paragraph in this Agreement are for the purposes of reference only and shall not limit or otherwise affect the meaning of any provision.

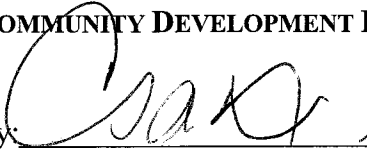
14. **Complete Agreement.** This document shall represent the complete agreement of the parties.

**IN WITNESS WHEREOF**, the parties hereto execute this Agreement, and they affirm that they have the power to do so on behalf of the CGCDD and the County.

**ATTEST:**

By: 

**CENTURY GARDENS  
COMMUNITY DEVELOPMENT DISTRICT**

By:   
CESAR LLANO  
Chairman

**ATTEST:**

By: \_\_\_\_\_  
HARVEY RUVIN,  
County Clerk

**MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
George M. Burgess  
County Manager

Approved by County Attorney as  
to form and legal sufficiency. \_\_\_\_\_